

# EXHIBIT B

# TAB 1

NO. 2018-1510-CCL2

**JACK WATSON**  
**Plaintiff,**

**V.**

**BASIC ENERGY SERVICES, INC.**  
**Defendant.**

**§ IN THE DISTRICT COURT**

**§**

**§**

**§ JUDICIAL DISTRICT**

**§**

**§ OF GREGG COUNTY, TEXAS**

**PLAINTIFF'S ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES** Jack Watson, hereinafter called Plaintiff, complaining of and about Basic Energy Services, Inc., hereinafter called Defendant, and for cause of action shows unto the Court the following:

**DISCOVERY CONTROL PLAN LEVEL**

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

**PARTIES AND SERVICE**

2. Plaintiff, Jack Watson, is an Individual who resides in Upshur, County, Texas.
3. The last three numbers of Jack Watson's driver's license number are 657.

The las three numbers of Jack Watson's social security number 691.

4. Defendant Basic Energy Services, Inc., a Corporation based in Texas, is organized under the laws of the State of Texas, and service of process on the Defendant may be effected pursuant to sections 5.201 and 5.255 of the Texas Business Organizations Code, by serving the registered agent of the corporation, CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136, its registered office. Service of said Defendant as described above can be effected by certified mail, return receipt requested.



## JURISDICTION AND VENUE

5. The subject matter in controversy is within the jurisdictional limits of this court.

6. Plaintiff seeks:

a. only monetary relief of \$100,000 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

7. This court has jurisdiction over the parties because Defendant is a Texas resident.

8. Venue in Gregg County is proper in this cause.

## FACTS

9. At all material times, Jack Watson, Plaintiff, was employed by Basic Energy Services, Inc., which was essentially from March 1, 2015 to March, 2017.

10. At all material times, Defendant was an employer within the meaning of Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 203(d).

11. Jack Watson was hired a by Defendant at the position of a field supervisor at a salary approximately \$85,000.00 per year. However, during the periods of his employment, Plaintiff, would work on average 70 hours per week. Defendants did not pay the Plaintiff any overtime, as required by the Fair Labor Standards Act ("FLSA").

## WAGE AND HOUR CLAIM

12. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1 through 11 of this Petition as if set out in full herein.

13. Defendant willingly and intentionally refused to properly pay Plaintiff's



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filed in the Gregg County District  
Clerk Office.

wages as required by the law of the United States as set forth above and remains owing Plaintiff these wages since the commencement of Plaintiff's employment with Defendant as set forth above.

WHEREBY, Plaintiff respectfully prays for the following relief against Defendant;

- A. Adjudge and decree that Defendant has violated the FLSA and has done so willfully, intentionally and with reckless disregard for Plaintiff's rights;
- B. Award Plaintiff actual damages in the amount shown to be due for unpaid overtime wages for hours worked in excess of forty (40) weekly, with interest and
- C. Award Plaintiff an equal amount in double damages/liquidated damages; and
- D. Award Plaintiff the costs of this action together with reasonable attorney's fees; and
- E. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

Respectfully submitted,

MATTHEW R. PATTON, IV  
ATTORNEY AT LAW  
316 N. TITUS STREET  
GILMER, TX 75644  
Tel. (903) 843-3029  
Fax. (903) 680-0163

CERTIFIED COPY CERTIFICATE  
STATE OF TEXAS COUNTY OF GREGG 3  
I hereby certify that the above, consisting of 3 pages, is a true and correct copy of the original record on file in the District Clerk's Office of Gregg County, Texas  
This 31 day of August, 20 18  
BARBARA DUNCAN, DISTRICT CLERK  
BY: Matthew R. Patton, Deputy

BY: /s/ Matthew R. Patton, IV  
Texas Bar No. 24002736  
Email: matthew@matthewpattonlaw.com  
Attorney for Plaintiff Jack Watson

**TAB 2**

**COUNTY COURT AT LAW 2**  
**CASE SUMMARY**  
**CASE NO. 2018-1510-CCL2**

JACK WATSON V. BASIC ENERGY SERVICES,  
INC.

§ Location: County Court at Law 2  
 § Judicial Officer: Dulweber, Vincent, DC  
 § Filed on: 08/07/2018  
 §

**CASE INFORMATION**

Case Type: Other Civil (OCA)

Case Flags: Level 2

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number	2018-1510-CCL2
Court	County Court at Law 2
Date Assigned	08/07/2018
Judicial Officer	Dulweber, Vincent, DC

**PARTY INFORMATION**

**Plaintiff**

WATSON, JACK

*Lead Attorneys*  
**PATTON, MATTHEW**  
*Retained*  
 903-843-3029(W)

**Defendant**

Basic Energy Services Inc.

**DATE**

**EVENTS & ORDERS OF THE COURT**

**INDEX**

08/07/2018	Petition (OCA)	
08/08/2018	Docket Sheet	
08/08/2018	<b>Citation By Certified Mail</b> Basic Energy Services Inc. Served: 08/13/2018 Response Due: 09/03/2018	
08/17/2018	Citation Return Certified Mail <i>BASIC ENERGY SERVICES INC</i>	
08/31/2018	Answer <i>Answer/Response</i>	

**DATE**

**FINANCIAL INFORMATION**

**Defendant** Basic Energy Services Inc.

Total Charges	2.00
Total Payments and Credits	2.00
<b>Balance Due as of 8/31/2018</b>	<b>0.00</b>

**Plaintiff** WATSON, JACK

Total Charges	347.00
Total Payments and Credits	347.00
<b>Balance Due as of 8/31/2018</b>	<b>0.00</b>

# TAB 3

\*\*\* CITATION BY MAIL \*\*\*  
THE STATE OF TEXAS

TO: Basic Energy Services Inc.  
CT CORPORATION SYSTEM  
1999 BRYAN ST STE 900  
DALLAS TX 75201-3136

Defendant in the hereinafter styled and numbered cause: **2018-1510-CCL2**

You are hereby commanded to appear before the County Court at Law 2 of Gregg County, Texas, to be held at the courthouse of said County in the City of Longview, Gregg County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this Citation, in Cause Number: **2018-1510-CCL2**, styled

Other Civil (OCA)

JACK WATSON V. BASIC ENERGY SERVICES,  
INC.

Attorney for Plaintiff:  
MATTHEW PATTON  
P O Box 1110  
Gilmer TX 75644  
903-843-3029

Attorney for Defendant

Filed in said court 7th day of August, 2018.

Issued and given under my hand and seal of said Court at office, this the 8th day of August, 2018.

**Barbara Duncan**  
District Clerk of  
Gregg County, Texas  
Gregg County Courthouse  
P. O. Box 711  
Longview, Texas 75606

Signed: 8/8/2018 10:42:35 AM

By Alycia Wright Deputy.



**NOTICE TO DEFENDANT**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this Citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this Citation and Petition, a default Judgment may be taken against you.



True and Correct copy of original  
filed in the Gregg County District  
Clerk Office.

**Officer's Return by Mailing**

Came to hand on the on this the 8th day of August, 2018, and executed by mailing certified mail restricted delivery a true copy of the citation together with a copy of Plaintiff's petition at the following address:

		Name & Address of Defendant Basic Energy Services Inc. CT CORPORATION SYSTEM 1999 BRYAN ST STE 900 DALLAS TX 75201-3136	
		***** * Date Signed: <u>August 13 2018</u> * Signed by: <u>Chris Wells</u> * as evidenced by the signed return receipt * attached hereto and incorporated in * the return * Not executed as to defendant for the following reason: * Circle one * Unclaimed * Refused * Return to Sender * Moved, left no forwarding address * Unable to Forward * Other	
<b>U.S. Postal CERTIFICATE SENDER: COMPLETE THIS SECTION</b> <b>Domestic Mail</b> <b>For delivery info:</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Complete items 1, 2, and 3.</li> <li><input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</li> <li><input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> <p>Postage \$ <input type="text" value="0.68"/>            Certified Mail Fee \$ <input type="text" value="0.00"/></p> <p>Extra Services &amp; Fees: <input type="checkbox"/> Basic Energy Services Inc.  <input type="checkbox"/> Return Receipt (Standard)  <input type="checkbox"/> Return Receipt (Electron.)  <input type="checkbox"/> Certified Mail Restricted  <input type="checkbox"/> Adult Signature Required  <input type="checkbox"/> Adult Signature Restricted</p>		<b>COMPLETE THIS SECTION ON DELIVERY</b> A. Signature <u>Barbara Duncan</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee B. Received by (Printed Name) <u>Chris Wells</u> C. Date of Delivery <u>AUG 13 2018</u> D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No  <u>2018-1510-CCL2</u>	
<b>O N - B Y M A I L I N G</b> Issued this 8th day of August, 2018. <b>Barbara Duncan</b> District Clerk of Gregg County <small>Signed: 8/8/2018 10:42:39 AM</small>  By <u>Alycia Wright</u> Deputy Returned and Filed This <u>17</u> day of <u>August, 2018</u> <b>Barbara Duncan</b> District Clerk  By <u>Allyce Duncan</u> Deputy			
3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Restricted Delivery <small>(over \$500)</small>			

Domestic Return Receipt

\* PS Form 3800, April

PS Form 3811, July 2015 PSN 7530-02-000-9053

CERTIFIED COPY CERTIFICATE  
 STATE OF TEXAS COUNTY OF GREGG  
 I hereby certify that the above, consisting of 2 pages, is a true and correct copy of the original record on file in the District Clerk's Office of Gregg County, Texas  
 This 31 day of August, 2018  
 BARBARA DUNCAN, DISTRICT CLERK  
 BY: Barbara Duncan, Deputy

# TAB 4

CAUSE NO. 2018-1510-CCL2

JACK WATSON,

Plaintiff,

v.

BASIC ENERGY SERVICES, INC.,

Defendant.

§ IN THE COUNTY COURT OF

§

§

§

§

§ GREGG COUNTY, TEXAS

§

§

§

§ COUNTY COURT AT LAW NO. 2

**DEFENDANT'S ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

Defendant Basic Energy Services, Inc. ("Defendant") files this Original Answer to Plaintiff Jack Watson's ("Plaintiff") Original Petition (the "Petition") and states:

**I. GENERAL DENIAL**

Pursuant to Texas Rule of Civil Procedure 92, Defendant denies each and every allegation contained in the Petition and any amendment or supplement thereto and demands strict proof thereof as required by law.

**II. DEFENSES, INCLUDING AFFIRMATIVE DEFENSES**

Defendant asserts the following affirmative and other defenses without assuming any burden of production, persuasion, or proof that, pursuant to law, is not legally assigned to Defendant and is Plaintiff's burden to prove:

1. The Petition fails to state a claim upon which relief should be granted.
2. Defendant properly compensated Plaintiff under the Fair Labor Standards Act (the "FLSA") and all other applicable law.
3. Plaintiff was an exempt employee under the FLSA and therefore not entitled to overtime compensation. The exemptions applicable to Plaintiff include, without limitation, the



FLSA's exemption for executive employees. *See* 29 U.S.C. § 213(a)(1); 29 C.F.R. § 541.100–106.

4. All amounts owed by Defendant to Plaintiff were paid or otherwise satisfied.

5. Without assuming the burden of proof, any alleged violation of the FLSA by Defendant was not willful, and therefore all claims are limited to a two-year limitations period.

6. Plaintiff's claims are barred in whole or in part by the applicable statute of limitations, including, but not limited to, 29 U.S.C. § 255.

7. Plaintiff's claims for time allegedly worked without Defendant's actual or constructive knowledge are barred.

8. Plaintiff is not entitled to recover for noncompensable time.

9. Plaintiff may not seek wages for time that is *de minimis*.

10. Plaintiff may not seek wages for preliminary and postliminary acts under the Portal-to-Portal Act.

11. To the extent applicable, Defendant is entitled to an offset against any amounts due equal to the amount Plaintiff was overpaid and for other amounts paid to Plaintiff.

12. Plaintiff's claims are barred, in whole or in part, by the doctrines of estoppel, laches, and unclean hands.

Defendant reserves the right to assert additional affirmative defenses and other defenses as may appear applicable during the course of this litigation.

### III. PRAYER

For the foregoing reasons, Defendant prays that Plaintiff take nothing from this lawsuit and that costs be assessed against Plaintiff. Defendant further prays for such other and further relief, general and specific, at law or in equity, to which Defendant is justly entitled.

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DEFENDANT'S ORIGINAL ANSWER  
TO PLAINTIFFS' ORIGINAL PETITION



True and Correct copy of original  
filed in the Gregg County District  
Clerk Office.

Respectfully submitted,

/s/ John B. Brown

John B. Brown  
Texas Bar No. 00793412  
john.brown@ogletreedeakins.com  
Jeremy W. Hays  
Texas Bar No. 24083156  
jeremy.hays@ogletreedeakins.com

**OGLETREE, DEAKINS, NASH, SMOAK  
& STEWART, P.C.**  
500 Preston Commons  
8117 Preston Road  
Dallas, Texas 75225  
(214) 987-3800  
(214) 987-3927 (Fax)

**ATTORNEYS FOR DEFENDANT  
BASIC ENERGY SERVICES, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2018, I electronically transmitted the foregoing document to the Clerk of Court using an electronic filing system, which will transmit the foregoing document to Plaintiff's counsel of record:

Matthew R. Patton, IV  
316 N. Titus Street  
Gilmer, Texas 75644  
matthew@matthewpattonlaw.com

/s/ John B. Brown

John B. Brown

**CERTIFIED COPY CERTIFICATE**

STATE OF TEXAS COUNTY OF GREGG  
I hereby certify that the above, consisting of 3 pages, is a true and correct copy of the original record on file in the District Clerk's Office of Gregg County, Texas  
This 31 day of August, 20 18  
BARBARA DUNCAN, DISTRICT CLERK  
BY: A. M. Fletcher, Deputy

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